

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

SYED IQBAL RAZA, M.D.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. _____
	)	
SIEMENS MEDICAL SOLUTIONS USA,	)	
INC., SIEMENS CORPORATION,	)	<b>JURY TRIAL DEMANDED</b>
and SIEMENS AG,	)	
	)	
Defendants.	)	

**COMPLAINT**

Plaintiff Syed Iqbal Raza, M.D. ("Plaintiff"), by and through his attorneys, hereby demands a jury trial as to all claims that may be tried to a jury, and alleges for his Complaint against defendants Siemens Medical Solutions USA, Inc., Siemens Corporation and Siemens AG (collectively, "Siemens" or "Defendants") as follows:

**THE PARTIES**

1. Plaintiff Syed Iqbal Raza, M.D. is the Director of Children's Hospital Islamabad. He is a Pakistani national residing at Farm No. 12 (Maimoona Farm), P&V Scheme, No. 1, Lehtarar Road Tarali, Islamabad, Pakistan.

2. Defendant Siemens Medical Solutions USA, Inc. is organized and existing under the laws of the State of Delaware, with its principal place of business at 51 Valley Stream Parkway, Malvern, Pennsylvania 19355. Upon information and belief, Siemens Medical Solutions USA, Inc. is a wholly owned subsidiary of defendant Siemens AG.

3. Defendant Siemens Corporation is organized and existing under the laws of the State of Delaware, with its principal place of business at 153 East 53<sup>rd</sup> Street, New York, New York. Upon information and belief, Siemens Corporation is a wholly owned subsidiary of Siemens AG, and is the parent corporation of Siemens Medical Solutions USA, Inc.

4. Defendant Siemens AG is organized and existing under the laws of Germany, with its principal place of business in Munich, Germany, and includes a medical technology business unit, Siemens Medical Solutions (Germany).

#### **JURISDICTION AND VENUE**

5. This Court can properly exercise subject-matter jurisdiction over this matter pursuant to 28 U.S.C. § 1332(a) because complete diversity exists among the parties and the amount in controversy exceeds the sum of \$75,000.

6. This Court can properly exercise personal jurisdiction over defendant Siemens Medical Solutions USA, Inc. and its parent, Siemens Corporation, by virtue of the fact that each is incorporated in the State of Delaware, thereby availing itself of the laws of the State of Delaware and deriving the protections and benefits thereof.

7. This Court can properly exercise personal jurisdiction over defendant Siemens AG by virtue of the fact that it is affiliated with and/or wholly owns defendants Siemens Corporation and Siemens Medical Solutions USA, Inc., each of which is incorporated in the State of Delaware, and as such does business through its agents (*i.e.*, Siemens Corporation, and Siemens Medical Solutions USA, Inc.), thereby availing itself of the laws of the State of Delaware and deriving the protections and benefits thereof.

8. This Court can properly exercise personal jurisdiction over all defendants by virtue of the fact that, upon information and belief, they have offered for sale and/or sold SOARIAN software products containing Dr. Raza's proprietary trade secrets in Delaware, thereby further availing themselves of the laws of the State of Delaware and deriving the protections and benefits thereof.

9. Venue for the present action properly lies in this district pursuant to 28 U.S.C. §§ 1391 (a), (c) and (d).

### **BACKGROUND**

11. In 1997, Dr. Raza set out to develop detailed methods for tracking and evaluating the performance of medical professionals with the ultimate purpose of creating new and novel software to make the processes for managing hospitals and hospital personnel more efficient. He did so by collecting various types of data from 104 medical professionals through a research study referred to as "Dr-SIR-104." By 2000, Dr. Raza had used the research data collected through Dr-SIR-104 to develop his concept of "Dr-SIR," a hospital management software product embodying his methods.

12. That same year, Dr. Raza was invited by officials at Strengthening of Health Services Academy in Pakistan ("SHAIP"), a project sponsored by GTZ Islamabad, to present to them his concepts for Dr-SIR, and he did so in September 2000. After Dr. Raza's presentation, the SHAIP officials requested that Dr. Raza provide them with written materials detailing the underlying concepts for Dr-SIR so that they could evaluate the potential software. Dr. Raza granted their request, providing them with approximately 160 pages of descriptive analyses and spreadsheets documenting his proprietary concepts. The

SHAIP officials approved of Dr. Raza's work, and on October 9, 2000, SHAIP's Chief Technical Officer forwarded (with Dr. Raza's permission) the concept papers with a letter to the Counselor, Head Economic and Commercial Section of the German Embassy in Islamabad. The Chief Technical Officer inquired in the letter as to whether a German company would be interested in collaborating with Dr. Raza to develop a complete software product implementing his concepts for Dr-SIR.

13. In November 2000, Dr. Raza briefed the Counselor Head Economic and Commercial Section of the German Embassy at Islamabad on the concepts for Dr-SIR, whereupon the Counselor told Dr. Raza that he believed that Siemens would likely be interested in entering into a partnership with Dr. Raza to develop a complete software product. Dr. Raza then permitted the Counselor to forward his concept papers to Siemens for the limited purpose of determining whether Siemens would be interested in engaging in a joint venture to develop such a product.

14. In January 2001, Dr. Raza received from Farrukh Latif of Siemens Pakistan Engineering Company, Ltd. a letter stating that Dr. Raza's papers constituted "a very good effort," that the Pakistani entity was not sufficiently related to the "Hospital Management side" of Siemens to benefit from the software, that Siemens did "intend to recommend to [their] various clients to contact [Dr. Raza] for further details," and that it "appreciate[ed] Dr. Raza's efforts in developing the software [Dr-SIR]."

15. Siemens did not return, and has never returned, to Dr. Raza the 160 pages of Dr-SIR concept papers, nor has Siemens ever explained what became of the papers (or at least it has not in its multiple correspondence to Dr. Raza concerning this dispute).

16. After receiving the January 2001 letter from Siemens, Dr. Raza continued to develop his concepts, winning first prize for software development at the 2002 National Software Competition sponsored by the National University in Islamabad and registering Dr-SIR with, among others, the World Health Organization in September 2001 and the United States Foreign Commerce Liaison Office in February 2003.

17. Unbeknownst to Dr. Raza in Pakistan, Siemens, upon information and belief, launched its SOARIAN hospital management software product in the United States in October 2001, almost one year after receiving, reviewing and retaining Dr. Raza's proprietary Dr-SIR concept papers.

18. In April 2003, Dr. Raza met with Zia Chishty, past Chief Executive Officer of Align Technology (a NASDAQ-listed company) and then Chief Executive Officer of TRG, a venture capital firm. During the meeting, Mr. Chishty informed Dr. Raza that Siemens had developed, and was marketing in the United States, a software product that was very similar to Dr-SIR. Dr. Raza thereafter reviewed Siemens' public papers, press releases, patents and patent applications relating to the SOARIAN product and concluded that the product most likely incorporates a number of the proprietary concepts he had disclosed to Siemens in November 2000, including, but not limited to, Dr. Raza's concepts relating to patient-centric management, embedded analytics and work flow technologies.

19. Upon information and belief, Siemens misappropriated, and is now unlawfully using for commercial gain, Dr. Raza's proprietary concepts in connection with its SOARIAN software products.

**COUNT 1 – TRADE SECRET MISAPPROPRIATION**

20. Dr. Raza repeats and realleges the allegations of paragraphs 1 through 19 as though set forth fully herein.

21. Dr. Raza's concepts relating to the Dr-SIR software product derive independent economic value from not being generally known to, or readily ascertainable by proper means by, other persons who can obtain economic value from their disclosure or use.

22. Dr. Raza has at all times made reasonable efforts under the circumstances to maintain the secrecy of his concepts relating to the Dr-SIR software product.

23. Upon information and belief, Siemens has improperly used Dr. Raza's proprietary trade secrets for commercial gain.

24. Dr. Raza has never consented to Siemens' use of his proprietary trade secrets relating to the Dr-SIR software product.

25. Upon information and belief, Siemens' misappropriation of Dr. Raza's proprietary trade secrets was willful and malicious.

**COUNT 2 – UNJUST ENRICHMENT**

26. Dr. Raza repeats and realleges the allegations of paragraphs 1 through 25 as though set forth fully herein.


27. Upon information and belief, Siemens has been unjustly enriched by virtue of its use of Dr. Raza's proprietary concepts in connection with its development and sale of SOARIAN. /

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for the following relief:

- (a) entry of judgment declaring that Defendants have misappropriated Plaintiff's trade secrets;
- (b) entry of judgment awarding Plaintiff damages for Defendants' misappropriation of Plaintiff's trade secrets, including exemplary damages;
- (c) prejudgment interest on all recovered sums; and
- (d) such other and further relief as this Court deems just, equitable and necessary to fully effectuate the rights of Plaintiff with respect to the subject matter of this case.

YOUNG CONAWAY STARGATT &  
TAYLOR, LLP



Date: February 28, 2006

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Martin S. Lessner (No. 3109)  
Adam W. Poff (No. 3990)  
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1000 West Street, 17th Floor  
Wilmington, Delaware 19899  
(302) 571-6600

*Attorneys for Plaintiff*



**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

<b>I. (a) PLAINTIFFS</b> <b>SYED IQBAL RAZA, M.D. .</b>		<b>DEFENDANTS</b> <b>SIEMENS MEDICAL SOLUTIONS USA, INC., SIEMENS CORPORATION, and SIEMENS AG,</b>	
<b>(b)</b> County Of Residence Of First Listed Plaintiff: (Except In U.S. Plaintiff Cases)		County Of Residence Of First Listed Defendant: (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED	
<b>(c)</b> Attorneys (Firm Name, Address, And Telephone Number) <b>Martin S. Lessner (No. 3109)</b> <b>Adam W. Poff (No. 3990)</b> <b>Young Conaway Stargatt &amp; Taylor, LLP</b> <b>The Brandywine Building, 17<sup>th</sup> Floor</b> <b>1000 West Street</b> <b>Wilmington, DE 19899-0391</b> <b>(302) 571-6600</b>		Attorneys (If Known)	

<b>II. BASIS OF JURISDICTION</b> (PLACE AN X IN ONE BOX ONLY)		<b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> (Place An X In One Box For Plaintiff And (For Diversity Cases Only) One Box For Defendant)	
<input type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)	Citizen of This State <input type="checkbox"/> 1 <input type="checkbox"/> 1	PTF DEF <input type="checkbox"/> 1 <input type="checkbox"/> 1
<input type="checkbox"/> 2 U.S. Government Defendant	<input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	Citizen of Another State <input type="checkbox"/> 2 <input type="checkbox"/> 2	Incorporated or Principal Place of Business in This State <input type="checkbox"/> 4 <input type="checkbox"/> 4
		Citizen or Subject of a Foreign Country <input type="checkbox"/> 3 <input type="checkbox"/> 3	Incorporated and Principal Place of Business in This State <input type="checkbox"/> 5 <input type="checkbox"/> 5
			Foreign Nation <input type="checkbox"/> 6 <input type="checkbox"/> 6

<b>V. NATURE OF SUIT</b> (Place An X In One Box Only)				
<b>CONTRACT</b>	<b>TORTS</b>	<b>FORFEITURE/PENALTY</b>	<b>BANKRUPTCY</b>	<b>OTHER STATUTES</b>
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury  <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability  <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 U.S.C. 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R R & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other  <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act  <input type="checkbox"/> 790 Other Labor Litigation  <input type="checkbox"/> 791 Empl Ret Inc Security Act	<input type="checkbox"/> 422 Appeal 28 U.S.C. 158 <input type="checkbox"/> 423 Withdrawal 28 U.S.C. 157  <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark  <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))  <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 U.S.C. 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates, etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 U.S.C. 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input checked="" type="checkbox"/> 890 Other Statutory Actions

<b>IV. ORIGIN</b> (PLACE AN "X" IN ONE BOX ONLY)				
<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	Transferred from another district (specify) <input type="checkbox"/> 5  <input type="checkbox"/> 6 Multidistrict Litigation
			Appeal to District Judge from Magistrate Judgment <input type="checkbox"/> 7	

**VI. CAUSE OF ACTION** (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)  
**28 U.S.C. §§ 1332 (a)**  
 Brief description of action:  
**Complaint for misappropriation of trade secrets and unjust enrichment**

<b>VII. REQUESTED IN COMPLAINT:</b>	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	DEMAND \$	Check YES only if demanded in complaint <b>JURY DEMAND:</b> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
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<b>VIII. RELATED CASE(S)</b> (See instructions) IF ANY	JUDGE:	DOCKET NUMBER:
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DATE <b>February 28, 2006</b>	SIGNATURE OF ATTORNEY OF RECORD
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**FOR OFFICE USE ONLY**  
 RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_



## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-44

### Authority For Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

**I. (a) Plaintiffs - Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

**(b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved).

**(c) Attorneys.** Enter firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)."

**II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction is based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

**III. Residence (citizenship) of Principal Parties.** This section of the JS-44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

**IV. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause.

**V. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section IV above, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

**VI. Origin.** Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C. Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate's decision.

**VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

**VIII. Related Cases.** This section of the JS-44 is used to reference relating pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

AO FORM 85 RECEIPT (REV. 9/04)

United States District Court for the District of Delaware

Civil Action No. 32

**ACKNOWLEDGMENT**  
**OF RECEIPT FOR AO FORM 85**

**NOTICE OF AVAILABILITY OF A**  
**UNITED STATES MAGISTRATE JUDGE**  
**TO EXERCISE JURISDICTION**

I HEREBY ACKNOWLEDGE RECEIPT OF 3 COPIES OF AO FORM 85.

**FEB 28 2006**

(Date forms issued)

Ben Longheed

(Signature of Party or their Representative)

Ben Longheed

(Printed name of Party or their Representative)

**Note: Completed receipt will be filed in the Civil Action**